

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 264

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2015

The Assembly Appropriations Committee reports favorably Senate Bill No. 264 (1R).

This bill creates a rebuttable presumption of workers' compensation coverage for public safety workers and other employees in certain circumstances.

The bill affirms that if, in the course of employment, a public safety worker is exposed to a serious communicable disease or a biological warfare or epidemic-related pathogen or biological toxin, all care or treatment of the worker, including services needed to ascertain whether the worker contracted the disease, shall be compensable under workers' compensation, even if the worker is found not to have contracted the disease. If the worker is found to have contracted a disease, there shall be a rebuttable presumption that any injury, disability, chronic or corollary illness or death caused by the disease is compensable under workers' compensation.

The bill affirms workers' compensation coverage for any injury, illness or death of any employee, including an employee who is not a public safety worker, arising from the administration of a vaccine related to threatened or potential bioterrorism or epidemic as part of an inoculation program in connection with the employee's employment or in connection with any governmental program or recommendation for the inoculation of workers.

The bill creates a rebuttable presumption that any condition or impairment of health of a public safety worker which may be caused by exposure to cancer-causing radiation or radioactive substances is a compensable occupational disease under workers' compensation if the worker was exposed to a carcinogen, or the cancer-causing radiation or radioactive substance, in the course of employment. Employers are required to maintain records of instances of the workers deployed where the presence of known carcinogens was indicated by documents provided to local fire or police departments under the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.) and where events occurred which could result in exposure to those carcinogens.

In the case of any firefighter with seven or more years of service, the bill creates a rebuttable presumption that, if the firefighter suffers an injury, illness or death which may be caused by cancer, the cancer is a compensable occupational disease.

The bill provides that, with respect to all of the rebuttable presumptions of coverage, employers may require workers to undergo, at employer expense, reasonable testing, evaluation and monitoring of worker health conditions relevant to determining whether exposures or other presumed causes are actually linked to the deaths, illnesses or disabilities, and further provides that the presumptions of compensability are not adversely affected by failures of employers to require testing, evaluation or monitoring.

The public safety workers covered by the bill include paid or volunteer emergency, correctional, fire, police and medical personnel.

As reported, this bill is identical to Assembly Bill No. 1347 (1R), as reported by the Committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will most likely increase expenditures by State and local public entities which employ or otherwise utilize public safety workers as defined by the bill. The bill will most likely result in increased costs to State and local public entities due to the shift of the burden of proof from the worker to the employer in certain cases, which may cause increased claims for workers' compensation benefits and the requirement for public safety employers to maintain additional records.

Although the OLS cannot quantify the cost of this legislation to the State and local entities, it is possible that there will be an increase in the cost of workers' compensation claims to self-insured entities and to workers' compensation premiums for those entities that purchase coverage. These increases will be due to the potentially larger number of individuals filing for workers' compensation coverage in instances in which the root cause of illness, injury or death is uncertain.